

MINUTES
REGULAR MEETING
CITY COUNCIL

February 1, 2016

Ronnie Thompson, Mayor

Sally W. Sandy, City Manager
Louis E. Vinay, Jr., City Attorney

John H. Cantrell)
Forrest A. Fleming) Councilmen
Sidney Simmons)
Vacant Seat)

Becky Brinkley, Interpreter

I. The meeting was called to order in the Council Chamber at City Hall at 6:00 p.m. by Mayor Thompson.

II. Public Comment – The Mayor stated the guidelines for public comment and speakers were called in order of sign-up.

- Mark Henry who resides at 100 Starrett Lane, spoke regarding District 4 vacancy giving reasons why he supports his father, John Henry.
- Colleen Bennett resides at 217 Riverside Drive. She thanked the Council for repaving Riverside Drive. Bennett also spoke in support of Wendy Cato for the District 4 vacancy.
- J.R. Simpson resides at 254 West Park Drive. Simpson spoke in support of John Henry for the District 4 vacancy.
- George Henne, Jr. resides at 315 Golf Course Road. He stated he recently wrote a letter to the editor concerning the vacant seat and his idea for breaking the impasse. He stated he does not know either candidate and believes the final decision should be left up to the Mayor as the leader voted in by the citizens. He stated that the District 4 seat should be filled.
- Rev. Barbara Boyd-Mayo is pastor of Glen Alpine United Methodist Church, P.O. Box 576, Glen Alpine. She spoke in support of John Henry for the District 4 vacancy.

III. Business of the Council – There being no more allotted time for further speakers, the Mayor continued with the business meeting beginning at 6:15 p.m.

IV. Pledge of Allegiance – Councilman Fleming led the recitation of the Pledge of Allegiance to the Flag.

V. Invocation – The invocation was given by the Rev. George Logan pastor of New Day Christian Church.

VI. Introduction of Council – The Mayor introduced the Council and staff.

VII. Retiree Resolutions

- The Mayor read a resolution recognizing retiring employee Lee E. Anderson. Lee retired from the City of Morganton on February 1, 2016 with 30 years' service. Lee retired as Director of the Development and Design Department.

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council approved Resolution #16-02 recognizing retiring employee Lee E. Anderson.

Councilman Cantrell gave a brief history of Lee's career highlighting many of the projects Lee has been involved in including: Morganton Trading/City Hall, East Union Redevelopment, Catawba Meadows and the greenway, the downtown theater, the CVS and BB&T bank property, among many.

Lee spoke warmly about his tenure at the City. He stated this is a wonderful City to work in with a wonderful Council, staff, and citizens. He stated that with a good staff and support he was able to accomplish a lot of things. He feels really good about where we've been and where we've gone and where things are going. He stated that change is always taking place and he embraces the change. He hopes to be able to do some things as a private citizen that he hasn't been able to do as a City employee. He stated that it has been a privilege and an honor to work with the City. Anderson acknowledged the City Manager's leadership and support.

- The Mayor read a resolution recognizing retiring employee Scotty F. Radcliff. Scott retired from the City of Morganton on February 1, 2016 with 12 years, three months' service. Scott retired from the Public Safety Department as a Public Safety Officer – Special Assignment.

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council approved Resolution #16-03 recognizing retiring employee Scotty F. Radcliff

Scott was unable to attend the meeting and will be presented with his retirement resolution at a later time.

a. Consideration of Award of Service Weapon and Fire Services Helmet

Historically, the City has followed the North Carolina General Statutes and awarded a retiring member with their service weapon along with their fire services helmet. This has been done by the Council declaring the particular items as surplus and then allowing someone to purchase the weapon for the officer for a fee of one dollar.

PSO Radcliff has complied with the North Carolina General Statutes in regard to obtaining a valid gun permit for the weapon. City staff recommends that his weapon Glock Model 22, .40 caliber, serial number XHY497, and fire services helmet be declared surplus, sold for one dollar, and be presented to PSO Radcliff

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and unanimously carried, the Council declared as surplus Glock Model 22, .40 caliber, serial number XHY497, and a fire services helmet, which was bought by the City Manager for one dollar and will be presented to retired Public Safety Officer Scotty F. Radcliff at a later time.

- The Mayor read a resolution recognizing retiring employee John W. (Bill) Wilson, III. Bill retired from the City of Morganton on February 1, 2016 with over 30 years' service to the City of Morganton and 44 years, three months' service to the benefit of the citizens of North Carolina as a public servant. Bill retired as Director of the City of Morganton Municipal Auditorium (CoMMA).

Upon motion by Councilman Cantrell, seconded by Councilman Simmons, and carried unanimously, the Council approved Resolution #16-04 recognizing retiring employee John W. (Bill) Wilson, III.

Councilman Fleming presented Bill his retirement resolution. Councilman Fleming stated that Bill takes with him a great legacy of bringing history, culture, and great performances to Morganton and the surrounding area.

Bill reflected fondly on his tenure as an employee of the City. He thanked some of the folks in the early years who helped to bring him to the City; and former Mayor Cohen for his support over the years. Wilson stated that at one time or another every department director has given support to CoMMA. Wilson stated that volunteers are very appreciated and a much needed part of CoMMA. Wilson also thanked the patrons for their years of support of CoMMA. Wilson stated that CoMMA was an opportunity to rise above where we are as a community; CoMMA has continually made this community a better place.

VIII. Presentation of Service Pins – The Personnel Committee and City staff have decided to recognize long-term employees for years of service at a Council meeting. The Mayor reported a service pin is to be presented to the following employee:

- Nancy Brewer, Administrative Specialist, Executive Department, 35 years. Nancy was unable to attend the meeting. Her supervisor will present her pin at a later time.

IX. Public Advocacy Issues and Strategies

- a. The Mayor announced the upcoming events at CoMMA: *Joseph and the Amazing Technicolor Dreamcoat* and announced that due to unforeseen circumstances the *Johnny Rivers* show had been cancelled.
- b. NC Connect Bond Referendum – Dr. Michael Helmick, President of Western Piedmont Community College, shared with the Council information regarding the bond referendum. Dr. Helmick first thanked the Council for allowing chickens, goats, and pigs on the campus, which has allowed the college to have a sustainable agriculture and living program on site.

Helmick stated there are great jobs with excellent pay right here in Burke County, however they require more than a high-school diploma. Community colleges help to fill the void between high school and the workplace. North Carolina is the third largest community college system in the United States and is funded primarily by the State and County funds. Part of staying strong is providing funds for the success of the graduates. Programs and facilities are quite expensive and cost more than a local budget can bear.

Helmick stated that on March 15 voters will have an opportunity to help by voting FOR the Connect NC bond referendum. Helmick gave a breakdown of where the bond monies would be spent in the State, in the County, and in Morganton. He stated there would be no tax increase due to this bond. North Carolina has a Triple “A” bond rating so our interest rate is low.

Helmick announced there would be voter registration opportunities and informational/educational sessions about the Connect NC bond package. Helmick urged citizens to vote FOR the bond.

- c. Resolution Supporting the Connect North Carolina Bond Act of 2015

The Mayor stated it’s been 15 years since the last general obligation bond was authorized to upgrade our state’s infrastructure and since then North Carolina has added 2 million people in population. The \$2 billion bond will connect North Carolina to the 21st century through statewide investments in education, parks, safety, recreation, and water and sewer infrastructure.

The Connect NC bond will allow the State to pay for 50-year assets with 20-year financing. No tax increases are necessary to finance the bond, given the State’s strong revenue growth and ample debt service capacity. The State will continue

to balance the budget and uphold its position as one of only 10 states to have earned the coveted Triple A bond rating from all three major ratings agencies.

This bond will positively and directly impact the future growth and prosperity of Morganton and Burke County and the City of Morganton vigorously supports the Connect NC Bond Act of 2015.

The Mayor read the resolution and called for a vote.

Upon motion by Councilman Cantrell, seconded by Councilman Fleming, and unanimously carried, the council approved Resolution #16-05 supporting the Connect North Carolina Bond Act of 2015.

- The City Manager stated her thanks to the many employees' efforts and hard work during the recent storm event. She stated the cost to the City for this winter event was approximately \$54,000.

X. North Carolina Municipal Power Agency Number 1 Update – The City Manager stated the Rate Committee would soon begin work toward next year's budget numbers.

XI. Consideration of Filling District 4 Council Vacancy – The City Manager stated that at Council's direction, an advertisement was placed in the News Herald on Wednesday, December 2, 2015, calling for individuals with an interest in filling the District 4 Council vacancy to complete an application and return it to the office of the City Clerk by the end of the business day on December 15, 2015. Four applications were received, those being from Wendy Cato, John Henry, Artie McKesson-Logan and Steven Smith. The Mayor and all Council members received copies of those applications on December 16, 2015 for perusal.

At the December 7, 2015 Council Meeting, it was announced an appointment would be made at the January 2016 Council Meeting. At the January 4, 2016 meeting the Council first adopted a procedure to follow in selecting the person to fill the vacancy. The procedure included vote by ballots (which immediately became public). After three rounds of voting no one candidate received at least three votes and voting was suspended until the February 1, 2016 meeting. The two highest vote getters were Wendy Cato and John Henry who have moved forward in the balloting process.

The Council proceeded to vote, casting ballots for either Wendy Cato or John Henry. Each member marked a separate ballot which were read by the Assistant City Clerk.

The vote on the first ballot was Wendy Cato – 2 votes (Cantrell, Fleming); and John Henry – 2 votes (Thompson, Simmons).

The Mayor suspended voting after one ballot stating they would return to further consideration and vote again at the March meeting.

Councilman Fleming stated it was rather obvious the Council was at an impasse. He asked the Council to consider the possibility of a special election to give the citizens of the City of Morganton the opportunity to make the selection.

Councilman Fleming called on the City Attorney to discuss the possibility of a special election. Fleming stated the issue needs to be resolved so they can get on with the business of the City.

The City Attorney stated that "when" an election could be held would be problematic. He stated the Council has the authority to call for a special election; however, the legislature recently changed the law to say that the only time a special election may be held is at the time of a general election or at the time of a primary election. Unfortunately the primary is March 15, and special elections notices must be published 45 days in advance, so there is not enough time to have an election during the primary. The Attorney stated that unless there is a run-off primary in the spring there will be no opportunity to vote until November.

Councilman Fleming stated he would like to know the feeling of other members of the Council. The Mayor called upon Councilman Cantrell to state his stance.

Councilman Cantrell stated he hopes this does not have to go to vote because of the expense to the candidates. Councilman Cantrell stated the Council has heard a number of eloquent speakers, received numerous emails, phone calls, and personal contacts. Cantrell stated they have received about 30 emails indicating endorsement of Wendy Cato. Cantrell stated the decision has been difficult because he knows John Henry is a very good man and has served in many ways, but has not served the community. Cantrell stated that in the past 30 years Henry has had the opportunity to do so but stated the demands of business has prevented that. Cantrell stated that demands are greater as a member of the City Council. He has supported Wendy Cato, in part, because of her many leadership positions for the benefit of the community. Councilman Cantrell stated that Mayor Thompson was quoted in the paper as having philosophical differences with Cato on how the City should operate and questioned the Mayor about those differences. The Mayor stated the question before them was would the Council support the idea of special election, to which Councilman Cantrell said no.

Councilman Simmons stated he has no problem with calling a special election. He feels the citizens should make that decision. The Mayor asked the City Attorney to explore the cost and details of holding a special election and bring information to the Council at the next meeting.

Councilman Fleming stated that since they are at an impasse the citizens should have the opportunity to tell the Council who they would like to represent them.

XII. Consent Agenda – The City Manager presented the consent agenda and asked if any items should be removed from the Consent Agenda. No request was made.

Upon motion by Councilman Simmons, seconded by Councilman Cantrell, and unanimously carried, the consent agenda was approved and each individual item adopted as stated, these being as follows:

- A. Approved Minutes as submitted for a Regular Meeting held on January 4, 2016.
 - B. Approved tax releases in the amount of \$80.50
 - C. Approved a budget amendment (Ordinance #16-01) to appropriate the receipt of funds from an insurance claim and to appropriate funds for the repairs to Public Safety vehicles.
 - D. Approved the 2016 Downtown Calendar of Events as submitted.
 - E. Approved Ordinance #16-03 for temporary street closings for 2016.
 - F. Declared as surplus a 1996 Mack Tandem Dump Truck.
 - G. Approved the purchase of a Chevrolet Silverado 35000 4WD dump truck from the National Auto Fleet Group in Wastonville, CA in the amount of \$40,505.
 - H. Approved the date of April 6, 2016 for advertisement of Unpaid Real Estate Tax Accounts.
 - I. Approved the purchase of a 2016 Dodge Ram 3500 pickup truck in the amount of \$33,382 from Marion Chrysler/Dodge.
 - J. Approved the naming of the private roadway off Ceramic Tile Drive, serving the NORELL, Inc. properties and facilities, as Innovation Drive.
 - K. Approved the installation of overhead street name signs at the Avery Avenue and Bouchelle Street intersection, at the Exit 105 interchange intersections and at the Enola Road and Exit 104 interchange intersections.
- Approved a budget amendment (Ordinance #16-02) in the amount of \$15,432, to appropriate both fund balance and a rebate received from a program the City participates in, for the purchase of signage.

XIII. Items Removed from Consent Agenda – There were no items removed from the Consent Agenda.

XIV. New Business

1. Consideration of Award of Contract for New 1.0 MG Clearwell Construction at the Water Treatment Plant

The City Manager stated that currently, two 0.5 million gallon (MG) drinking water clearwells, which were built in the 1950's, are out of service due to leaks & structural degradation. NCDENR recommended that we replace these tanks and provide for the ability to allow filter backwashing from any new clearwell storage. A Preliminary Engineering report recommended that we replace these tanks with a single 1.1 MG tank and associated backwash piping.

Formal bid proposals were requested for the construction and 5 bids were received on December 17th, 2015. The lowest responsive and responsible bid was submitted by Brushy Mountain Builders, Inc. of Lenoir, North Carolina for \$1,213,000 which was over budget. Negotiations with the low bidder after some value engineering to get within budget resulted in a bid amount of \$1,038,000 for a slightly smaller 1.0 MG clearwell.

Funding for this project will be from an SRF loan at 0%.

Upon motion by Councilman Fleming, seconded by Councilman Cantrell, and carried unanimously, the Council approved a contract with Brushy Mountain Builders, Inc. of Lenoir, NC in the amount of \$1,038,000 for the construction of a new 1.0 MG clearwell at the water treatment plant.

2. Consideration of Boards and Commissions – Appointments to the Morganton Housing Authority.

The City Manager stated Appointments to the Morganton Housing Authority Board of Commissioners are subject to Mayoral approval. There has been a request by the Board to reappoint Bryan Black and Teresa DeHart to the Board for a 5-year term from February 1, 2016 to February 1, 2021.

Mr. Black and Mrs. DeHart have been excellent participants on the board and have expressed interest in continuing to serve as members of the Board.

One vacancy continues to exist on this board for a term to expire in 2017. This seat is required to be filled with a tenant of the Morganton Housing Authority. Mr. Steve Villar will offer a recommendation at a future meeting.

The Mayor reappointed Bryan Black and Teresa DeHart to the Morganton Housing Authority Board of Commissioners for terms to expire on February 1, 2021.

3. 30-Day Notice for Vacancies on Boards and Commissions – The City Manager stated that at the March meeting there would be considerations of appointments to the Fireman's Supplemental Retirement Board.

XV. Other Items from City Manager and City Council Not on Agenda – There were no other items presented.

XVI. Reports – Reports were distributed for information.

XVII. Adjournment – The meeting was adjourned at 7:17 p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.

Mayor

Assistant City Clerk